

APRIL 27, 2004

**CITY OF GUNNISON COUNCIL
REGULAR SESSION MINUTES**

7:00 P.M.

The Regular Session was called to order at 7:00 P.M., by Mayor Ferguson with Councilmembers Simillion, Stone, Smits and Duba present along with City Manager Collins, Deputy City Clerk Meehan, City Attorney Landwehr, Finance Director Hanson, Public Works Director Coleman, City Engineer Zerger, County Public Works Director Marlene Crosby, citizens Jane Moloney, Carol Dawson, Perry Anderson, Bob Williams, several interested citizens and the press.

Consideration of Minutes:

Regular Session Minutes of April 13, 2004.

Councilmember Duba moved and Councilmember Simillion seconded the motion to approve the Regular Session Minutes of April 13, 2004, with the following correction: on the first page, second paragraph, change Mayor Stone to Mayor Pro Tem Stone.

Roll call vote, yes: Simillion, Stone, Ferguson, Smits, Duba. So carried.

Roll call vote, no: None.

Pre-Scheduled Citizens: Report on the Tenderfoot Child and Family Development Center Project.

Jane Moloney and Carol Dawson from the Tenderfoot Board approached Council to give their update. They asked if Council had any specific questions. Council had none. They proceeded with their financial report: They appreciate the \$5,000 the City gave for a Project Director. They are hoping to break ground for site preparation in the Fall. They received the \$250,000 CBDG money and they are expecting \$650,000 in loans and grants. There is \$400,000 in grants they applied for that are pending, and there is less than \$100,000 in community commitment. The value of the land is \$300,000 and the value of the site preparation is estimated at \$250,000. They still need to raise approximately \$200,000 to \$300,000. They appreciate any amount the City can contribute. They have a Development Council that is working on raising funds. The goal of the Development Council is to go into this building without any debt so they can keep costs low. Right now, childcare is affordable for families, and they want to keep it that way. Councilmember Smits asked if they had checked with the Gunnison Area Foundation. They have. Councilmember Smits asked if the money they use to pay rent will offset some of their costs. Yes it will, and they are also still pursuing daycare in licensed homes. Councilmember Smits asked if the City was doing any in-kind services. Ms. Dawson replied that Public Works Director Coleman has been in contact with them. He is working with the County on the site preparation. Coleman stated that there was no solid plan developed yet with the County. Councilmember Duba stated that he appreciates them presenting an update. The money the City gave them seems well spent. He appreciates them collecting money from other entities as well. Councilmember Smits suggested they contact the GVEDC to see if they have any ideas for assistance. Council thanked them for coming.

Unfinished Business: None.

New Business:

Request for Deviation from City LDC Road Standards from Perry Anderson for Wildwood Townhomes.

Public Works Director Coleman came forward and explained this is a request for a deviation from Road and Sidewalk Standards from Chapter 15, The Land Development Code (LDC), for the proposed development of the private streets in the Wildwood Motel/RV Park. He highlighted the section that shows that deviations are allowed and Council are the ones to act on the deviation request. He reviewed the submittal from Mr. Anderson to use a chip/seal method of paving, the timeline of the application and suggested minimum performance standards to evaluate the request. The suggested minimum performance standards requirement are as follows: 1. Conformance with installation of sub-grade base course placement and compaction. 2. Surface tolerances should conform to City Street Construction Standards 300-87. The final pavement surface shall not vary from the theoretical cross section by more than 1 inch at any point. 3. There should be an engineered design mix that demonstrates a 20-year design life.

4. The finished surface should have a surface smoothness that is acceptable to multi-modal use, such as vehicular, pedestrian, bicycle or other wheeled device use. 5. Dust abatement and erosion control should meet the same standard offered by bituminous. Coleman reported that they have received an engineering design mix from Bob Williams of Williams Engineering, LLC that was not in Council's packets. The memo indicates that, with proper maintenance, the application would be good for the 20 year life period. The bottom line motivation for this deviation is cost savings for the developer. Coleman researched pricing for this alternative paving. The difference offers a savings of about a 1/3 of total price using the alternative paving method. Coleman also stated that he has received phone calls from two other individuals who have asked if this deviation has been approved and are considering using this type of application in other locations in the City.

Out of the suggested minimal standards requirements that were mentioned above, it is demonstrated they can be met except for having a smooth, finished surface. Also, if repairs are needed to underground utilities under this chip and seal surface, the restored surface will not match the chip and seal.

Coleman stated that if the City is agreeable to this type of application, he doesn't believe that a deviation is the way to go. While technically this application would work, the weakness is on the edges. If Council feel this is an appropriate application, then two sections need to be revised: one in our Code and one in our Construction Standards. If we go in that direction, he highly recommends that we look at our the LDC Street Classifications to give better definitions. Council asked Mr. Anderson to come forward. Mr. Anderson wanted to point out that this was a private property with a private access and maintenance by a private entity. He reviewed the existing road condition. There is an average of 250 trips a day on this road. He reviewed examples of other roads and the vehicle capacity of each. He also pointed out that this road does not connect to another public street and it would be an upgrade from the road base they now have. Construction costs are escalating. He thinks this is a fair and reasonable alternative. He agrees with Public Works Director Coleman that the sub-grade and the base is very important to the longevity of this type of pavement. The LDC is a one size fits all document and gives the ability to grant deviations. He thinks that this is one of those times. He commented that it would cost him \$18 a square yard to lay down asphalt, compared to \$3 - \$4 a square yard for the chip and seal. He agrees with Ken that this is a rougher surface and that the edges can breakdown. He asked for any questions.

Engineer Bob Williams came forward to give some comments. Chip and seal is seen throughout the County and it works for several reasons. The County has a good product, they know how to install it and they put it in right. The City has applied chip and seal in the past and built the base up and because of that that the roads last as long as they have. If you have good drainage these types of roads will last. No matter what type of road it is, you're going to fight road breakdown of the edges. He saw twelve to fourteen inches of base on Mr. Anderson's road. He stated that the chip and seal will have a 20 year life with maintenance. He asked for any questions. Councilmember Duba asked Director Coleman who supervises the work and makes sure that the installation and maintenance is done right. Coleman replied that on a private road it's the property owner and the contractor. Councilmember Smits asked about the reference in Mr. Anderson's letter to Council that the City used this on Railroad Ave. by the airport and did the City do a deviation? Coleman replied that the City had put some crushed, recycled asphalt down, and the County asked if they could run over it with a slurry application as a test. It wasn't on an approved road, in fact, when he inquired if we could do it on 10th Street, it was denied. It was not an approved application, it was a test application. City Manager Collins brought up that there was another test section at the Rodeo Grounds, an alleyway that runs between 14th Street and Spruce. Colman stated that it seems to be holding up. It was done 5 or 6 years ago. Councilmember Stone agreed with Coleman that if this is something that Council wants to pursue then he thinks that it should be pursued as an amendment to the LDC and not a variance. City Engineer Zerger asked if the City wants to set new Construction Standards or do we want to establish Performance Standards? Councilmember Stone commented that it should probably be based on Performance Standards. He also had a concern that private roads should always stay private and perhaps have some type of insurance, whether that would be from a bond, or some

instrument that will guarantee the maintenance of that facility. Years from now, a resident or owner, could come to Council and ask why Council allowed this when there should be some standards to protect them. That's what the LDC is for. Councilmember Smits asked how long it would take to change the Code. Coleman stated approximately six months. Councilmember Smits stated that, in his opinion, a deviation would be acceptable because we are going to look at our Master Plan and LDC and could revise standards then. His main argument would be because of the cost. Discussion followed.

Councilmember Smits moved and Councilmember Duba seconded the motion to grant Mr. Anderson his request for deviation from Road and Sidewalk Standards as permitted in the Land Development Code, Chapter 15, 15-11-2F. The motion and second was withdrawn.

Councilmember Smits moved and Councilmember Duba seconded the motion to grant Mr. Anderson his request for Deviation from Road and Sidewalk Standards as permitted in the Land Development Code, Chapter 15-11-2F. with the following Findings of Fact: 1. That this is a private road on private property; 2. There is no through traffic and the road does not go through to another public street, although it does adjoin a public street; 3. That it does conform with the installation of sub-grade base course placement and compaction; 4. That the surface tolerance should conform and does conform to the City Street Construction Standards 300-87. The final pavement surface does not vary from the theoretical cross section by more than 1 inch at any point; 5. That it is an engineered design mix that demonstrates a 20-year design life; 6. That dust abatement and erosion control is met in this proposal; 6. That as we look at the Master Plan in the future, this coming year, that we would consider adopting different language to allow private roads to have different standards than normal city streets maintained by the City; and 7. While the surface smoothness may not line up with existing construction standards, that it would still be acceptable to multi-modal use, such as vehicular, pedestrian, bicycle or other wheeled device use.

Roll call vote, yes: Ferguson, Smits, Duba, Simillion. Carried by majority.
Roll call vote, no: Stone.

Department of Local Affairs Energy/Mineral Impact Assistance Grant Contract EIAF #4655 for Gunnison Community Center.

City Manager Collins introduced this topic. This is a standard contract that all of the applicants received. There is an addendum specific to our application. Some of the figures in the document may not be the same as some of the figures we have been working with over the past several months. The reason is because this was put together last fall. If Council ratifies this, it will be forwarded on to the State office in Grand Junction for the State of Colorado's final ratification. One of the features in the provisions in this contract is that it expires in November of 2005 but can be extended if the project life extends. It also allows for us to have money upfront as much as 30%. Collins asked for any questions.

Councilmember Stone moved and Councilmember Simillion seconded the motion to approve the Agreement of the State of Colorado Department of Local Affairs Reference EIAF #4655 Gunnison Community Center and authorize the Mayor to sign said document.

Councilmember Smits commended Staff for their successful grant application.

Roll call vote, yes: Ferguson, Smits, Duba, Simillion, Stone. So carried.
Roll call vote, no: None.

Intergovernmental Agreement with Gunnison County for Community Center Funding.

City Attorney Landwehr stated there were two minor changes to the Agreement that have been made and it is ready to go.

Regular Session Minutes

April 27, 2004

Page Four

Councilmember Stone moved and Councilmember Smits seconded the motion to approve the Intergovernmental Agreement with the County Commissioners concerning the Community Center and authorize and instruct the Mayor to sign said agreement.

Roll call vote, yes: Smits, Duba, Simillion, Stone, Ferguson. So carried.

Roll call vote, no: None.

First Quarter 2004 Financial Report.

Finance Director Hanson stated that in Council packets was the revenue expense statement. She reviewed the Quarterly Financial Summary through March, 2004 and asked for any questions. Council thanked Hanson for the good report.

Ordinance and Resolutions: None.

City Attorney: Nothing to report.

City Manager: Mark Collins: 1. He wanted to make a special acknowledgement to the Clerk's office and especially to City Clerk Davidson for the success of this year's Spring Cleanup. There was close to 300 participants including a strong turnout from Western State College. This event has grown every year and is a first class operation. The Hartman Rocks cleanup was the next day with 75 participants including trail improvements. 2. The Community Center Open Forum and Open House is on Thursday night, the 29th, at 6:00 P.M. in Council Chambers. The architects and contractors will be here on that day for a design/development meeting in the afternoon and will stay for the forum and give a presentation of updated materials and to answer questions. 3. The deadline for bids on the Parks & Recreation office is next Thursday at 4:00 P.M. City Attorney Landwehr has finished the easement that was necessary for the Lost Canyon parcel and we are working on a RFP for realty services for that parcel. 4. McPorts will be out next week.

Acting City Manager: Public Works Director Ken Coleman: Stated that Council had in their packets a list of operational maintenance activity that has occurred during the last few months. He asked Marlene Crosby, County Public Works Director, and City Engineer Terry Zenger to be here to discuss the north sewer line extension that is occurring in the City limits if Council has any questions. They have started in the alley between 14th and Spruce and headed East onto Spruce and are now going North. Councilmember Simillion asked if this was the final stage because he noticed they stopped at Tall Texan. Ms. Crosby stated they will hopefully cross the river this fall. She went on to describe the phases of the project. The County has been very responsive to cleanup of the streets affected. There were no further questions. Coleman reviewed his Departmental Report. The tree dump opens May 1st. He anticipates a busy Spring for the dump. Leaves, branches and clippings is the type of material that is accepted at the dump. Work will begin soon on the landfill site and the 50/50 Concrete Program is underway. They are gearing up for other street projects. Councilmember Smits commented that the new crosswalks are looking good. Coleman stated that CDOT provides the material and we provide the manpower. Councilmember Smits thanked Coleman for his staff cooking at the groundbreaking ceremony picnic.

Deputy City Clerk: Tracy Meehan: Deputy City Clerk Meehan informed Council that April 30th, at 7:00 A.M. at the Lake School is the Gunnison Memorial Football Scholarship Committee meeting. There are only two items on the May 4th Work Session agenda that are not time sensitive and can moved to the following session. Council agreed to move the items to the May 18th session and cancel the May 4th meeting.

WSC Intern Matt Johnston: Thanked Council for the opportunity to be part of the groundbreaking ceremony. He has been discussing with the Chief of Police different ideas for police/student interaction. They have also discussed having a student ride-along program to help

students understand what the police do. He is also participating in discussions of a revised noise ordinance. He asked Council if they have any questions, comments or concerns regarding the College to please address him. Councilmember Stone commented that he's glad that Matt's taking an active role. Good job.

Non-Scheduled Citizens: None.

General Discussion/Items for Work Session: None.

Adjournment: The meeting adjourned at 8:34 P.M.

Mayor

Deputy City Clerk